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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,691	01/13/2000	Nicola John Policicchio	6553D	7347

27752 7590 09/11/2002

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

19

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,691

Applicant(s)

POLICICCHIO ET AL.

Examiner

Mark Spisich

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25-27, 32-34 and 61-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 26 and 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23,25,26 and 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USP 5,609,255) in view of Newell (USP 4,955,133). The patent to Nichols discloses a cleaning implement (10) comprising a handle (12) and a removable cleaning pad (28) having opposite upper and lower surfaces and multiple widths in the "z-direction" and wherein the cleaning pad is comprised of an absorbent layer (32,34), scrubbing layer (36) and an impervious attachment layer (38). The addition of the term "disposable" to claims 21 and 61 does not structurally limit the structure of the implement or pad and relates only to a subsequent use thereof. The patent to Nichols discloses the invention substantially as claimed with the exception of the absorbent layer comprising a superabsorbent material. The patent to Newell discloses a cleaning device having a similar utility wherein the absorbent elements thereof may be comprised of any fibrous materials such as rayon, cotton and polyester (see column 11, lines 24-34) which may further have incorporated therein any suitable type of super-absorbents, hydrogels which are commercially available (see column 12, lines 1-16). It would have been obvious to one of ordinary skill in the art to have modified the absorbent layer of Nichols as such so, if so desired, to produce a single-

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use mop application. The particular ratios between the fibrous material and the superabsorbent could be matched to the intended use. Again, Newell states that any known superabsorbent can be used. The specification of the present invention discloses what appears to be a similar embodiment. It would not have been unreasonable for one to assume that the material of Newell would have similar properties as that claimed given the fact that the composition is very nearly the same (if not the same) as one of the embodiments of the present invention. One of ordinary skill would deem it obvious to have modified the relative proportion of the cotton relative to the superabsorbent to arrive at the desired properties. Optimizing a prior art device through routine experimentation is not a patentable step.

Allowable Subject Matter

3. Claims 27 and 32-34 are allowed.

Response to Arguments

4. Applicant's arguments filed 22 July 2002 have been fully considered but they are not persuasive. Applicant's arguments with regard to claim 27 (and claims 32-34 dependent therefrom) are now moot in view of the indicated allowability thereof. With regard to the general combination of Newell and Nichols, applicant is directed to paragraph #7 of the final action mailed 30 April 2001 (paper no. 11). Applicant essentially adds a couple of points in the most recent amendment. Both Nichols and Newell disclose mop materials which are comprised of a fibrous material. The differences in the general form of the mop head is noted; however, the secondary reference to Newell is cited to show that one of ordinary skill in the mop art has

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recognized such as material as being suitable in mops. A further comment will be provided below with regard to the motivation to combine Newell with Nichols. It is acknowledged that Nichols intended to disclose a cleaning head that it reusable. The patent to Newell, however, does not merely and solely disclose a mop cleaning material which is ONLY of the single use type. The patent to Newell discloses a particular fibrous material which may be used as a mop material and, if one wanted this material to be a single-use device, then a superabsorbent material may be added thereto. The patent to Newell discloses that one of ordinary skill is well aware that an otherwise reusable fibrous mop material may be modified by adding superabsorbent so that it could be of the single-use type. The patent to Newell bridges the gap between the reusable mop of Nichols and the recited disposable mop by the disclosure of both.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Mark Spisich', written in a cursive style.

Mark Spisich
Primary Examiner
Art Unit 1744

MS
September 9, 2002